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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/699,031
Filing Date: October 27, 2000
Appellant(s): OBRADOVICH, MICHAEL L

Daniel M. Cavanagh, Reg. No. 41/661
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/30/2006 appealing from the Office action mailed03/21/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

This appeal involves claims 1-2.

Claims 3-29 been canceled.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

Applicants amended claim 1 and canceling claims 22-29 in the amendment filed on 10/30/2006. The amendment filed on 10/30/2006 is entered and presented to the Board of Appeal and Interferences.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Knockeart et al. Patent No. US. 6,680,694 B1 Patent date: Jan. 20,2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2 are rejected under 35 U.S.C. 102(e) as being anticipated by Knockeart et al. (US. Patent No. 6,680,694 B1).

Regarding on claim 1, Knockeart teaches a method, using a personal computer device having a GPS receiver, of populating a database comprising:

determining, by the personal computer device using its GPS receiver, a location at which the personal computer device becomes relatively immobile (the in-vehicle system also determines the vehicle's initial location or data related to the vehicle's initial location, and in some versions of the system the orientation of the vehicle (line 1503)"(col. 21, lines 32-35);

transmitting, by the personal computer device, information regarding the location at which the personal computer device becomes relatively immobile to a server (the in-vehicle system then sends the location data and the destination specification to the server system (lines 1505)" (col. 21, lines 51-52);

receiving, by the personal computer device, information regarding the location from the server (the server system sends the planned route, the spot map, and the GPS correction data to the in-vehicle system (lines 1563)" (col. 22, lines 42-44); and

requesting, by the personal computer device, that the server store the in a database associated with a user of the personal computer device (using the remote configuration system, users of the navigation system can modify their record in user profiles 2232 that are stored at the server system. A user's profile is download by the server system to the in-vehicle system in that user's vehicle, or can alternatively be stored on the server system" (col. 42, lines 31-35).

Regarding on claim 2, Knockeart teaches a method of populating a database recited in claim 1 wherein determining a location at which the personal computer device becomes relatively immobile comprises:

Evaluating the position of the personal computer device using the GPS receiver (col. 21, lines 57-66);

Waiting a pre-selected period (col. 21, lines 57-66);

Reevaluating the position of the personal computer device using the GPS receiver (col. 6, lines 57-66); and

Determining if the position of the personal computer device before and after waiting the pre-selected time period is substantially the same (col. 21, lines 57-66).

(10) Response to Argument

A. Claim 1 patentable over Knockeart because Knockeart does not disclose or suggest at least one element of claim 1.

1. Knockeart does not disclose or suggest determining, by the personal computer device using its GPS receiver, a location at which the personal computer device becomes relatively immobile.

Applicant argues "there is no indication in Knockeart that the current location data is the location at which the in-vehicle system becomes relatively immobile."

The examiner respectfully disagrees with the above arguments. As Knockeart discloses "the in-vehicle system also determines the vehicle's initial location or data

related to the vehicle's initial location, and in some versions of the system the orientation of the vehicle (lines 1503). The location or location-related data includes one or more of a (a) a GPS location estimated or pseudorange measurements obtained a the time that the navigation request is being made, (b) past GPS-based location estimates or from maneuver locations, starting location estimate is discussed further below (see Section 3.2.2)" (col. 21, lines 32-42). Section 3.2.2 further discloses "the in-vehicle system sends to the server system either an estimate of its position, or sends raw GPS data from its GPS receiver from which the server system computes the vehicle's position (lines 1503, fig. 15A). Determines the location at which it becomes relatively immobile encompassing stopping the location along the road trip, each time the vehicle stop (i.e. relatively immobile) the GPS send the stopping location or the estimate location of the vehicle to the server.

2. Knockeart does not disclose or suggest receiving, by the personal computer device, information regarding, the location at which the personal computer device becomes relatively immobile from the server.

Applicant argues "there is no indication in Knockeart that the in-vehicle system 105 receives information regarding the location at which the in-vehicle system becomes relatively immobile from the server system 120. The in-vehicle system 105 of Knockeart receives route information based on current location and destination of the vehicle during the initial exchange period with the server system 120. During this exchange period, the in-vehicle system 105 neither determines a location at which it becomes

relatively immobile, nor receives any information about the location at which the in-vehicle system 105 becomes relatively immobile from the server system 120. The in-vehicle system merely receives route and map information regarding how to get from its current location to a destinations."

The examiner respectfully disagrees with the above argument. As explaining above, the initial location is the location when the driver decides to stop a certain location along the trip at which each time the GPS estimate the location of the vehicle and send to the server (col. 21, lines 32-42). After the sever receiving the estimate location of the stopping location, the server system now determining a route (see Section 3.2.4) from the vehicle's location in the specified destination (line 156). The server system also determines whether to download spot, maps around maneuver points, for instance, based on the complexity of the maneuvers, and determines the spot maps around those maneuver points. The servers system sends the planned route, the spot map, and the GPS connection data to the in-vehicle system (line 1563) (col. 22, lines 33-44). At each stop along the route, the in-vehicle sends a new estimate location to the server and receiving from the server new or modify planned route and the spot map regarding to the stopping location. Clearly, the newly or modified planned rout and the spot map are determines based on the vehicle stopping location and the information is download into the in-vehicle.

Applicant also argues "Knockeart does not disclose or suggest that after the initial exchange period in the in-vehicle system 105 receives information regarding the

location at which the in-vehicle system becomes relatively immobile from the server system. Knockeart discloses the following at column 8, liens 20-33:

An in-vehicle system 105, typically operates in an autonomous mode after an initial exchange with server system 125. During the initial exchange, a starting location (or other location-related data), speed and heading, and a desired destination are uploaded from the in-vehicle system to the server system and then a planned route is download from the server system to the in-vehicle system. After planned route information is downloaded to the vehicle from the server system, the in-vehicle system does not require further interaction with the server system to operate in its autonomous route guidance mode. While in the autonomous route guidance mode the in-vehicle system can recover from operator going off the planned route without necessarily requiring further communication with the server system.

(Emphasis added).

As indicated by the above-quoted portion of Knockeart, the in-vehicle system 105 operates autonomously, except for an initial period during which a planned route is downloaded from the server system 120. Knockeart further discloses that the planned route information is transmitted to the server system 120 sending its current location and destination information to the server system 120. The server system 120 then plans the route and transmits the route to the in-vehicle system. (See columns 9, line 38 to column 10, 12, lines 51; and columns 21-22). Accordingly, in the system of Knockeart, "the in-vehicle system receives the planned route, spot map, and GPS correction data from the server and closes the communication session with the server."

(See column 22, lines 45-48). Thus, in contrast to claim 1 of the present application, if the vehicle of Knockeart becomes relatively immobile, the in-vehicle system 105 does not receives information from the server system 120 regarding the location at which the in-vehicle system 105 becomes relatively immobile, because after the initial exchange period, the in-vehicle system 105 closes communication with the server system 120..."

The examiner respectfully disagrees with the above argument. As explaining in the above, "the in-vehicle system 105 becomes relatively immobile" is a stopping location as the operator tack along the planned route, at each stopping locations the operator inputs the stopping location or the current location and the destination location to the server 120 to request the new planned or modify route to be download to the in-vehicle 105 (col. 21, lines 32-42) and (col. 22, lines 33-44). The claim limitations do not limit stopping locations of the traveling route (which all travelers often do) nor negate any involvement of the operator; however, the scope of the claim encompassing the teaching of Knockeart.

3. Knockeart does not disclose or suggest requesting, by the personal computer device, that the sever store the information regarding the location at which the personal computer device becomes relatively immobile in a database associated with a user of the personal computer device.

Applicant argues "there is no disclosure or suggestion in Knockeart that any information regarding a location at which an in-vehicle system becomes relatively immobile is stored on the sever system 120 in a user profile of the user of the in-vehicle

system. Furthermore, there is no disclosure or suggestion in Knockeart that the in-vehicle system 105 can request the server system 120 to store any information regarding the user's profiles which are stored on the server system 120. Rather, Knockeart discloses that a user profiles that are stored on the server are accessible and can be modified by a remote configuration system 2232."

The examiner respectfully disagrees with the above argument. As cited in the final rejection "users of the navigation system can modify their records in user profiles 2232 that are stored at the server system. A user's profile is downloaded by the server system to the in-vehicle system in that user's vehicle, or can alternatively be stored on the server system. Information in the user profiles can include various types of information including stored destination that the user can select from when specifying a destination to the in-vehicle system. For instance, a user can specify a list of frequent destinations over the Internet, and then later in the vehicle choose a particular destination in that list by selecting from a display of the list by the in-vehicle system" (col. 42, lines 31-42)..."user selects paths on the graph by selecting sequence of trip segments. These trips are download to the user's vehicle, or can be stored by the server system. If they are stored at the server system, when the user initiates a traffic information request in the vehicle, the in-vehicle system does not necessarily transfer the specification of the operator's trips, rather it specifies the identify of the operator and the server's system looks up the operator's stored trips" (col. 42, lines 48-55). This teaches each planned route is saved to the server system including the starting

location, stopping location and the destination. Each stopping location will be updated and stored in the server system.

B. Claim 2 is patentable over Knockeart because Knockeart does not disclose or suggest at least one element of claim.

Applicant argues "Knockeart does not disclose that the in-vehicle system 102 waits a preselected time period and reevaluates the position of the personal computer device using the GPS receiver, and then determine if the position of the personal computer device before and after waiting the preselected time period is substantially the same."

The examiner respectfully disagrees with the above argument. As previously explains, each of the time the car stops along the planned route, the in-vehicle sends the estimate position of the vehicle to the server to obtain the newly planned route (col. 21, lines 32-42) which corresponding to the in-vehicle 102 waits a preselected time period and revaluates the position of the personal computer device using the GPS receiver. And when the in-vehicle sends the estimate position from one of the stopping location along the road the server, the sever determines the stopping location and plans the new route based on the stopping location which is different from the original position and stopping location. Therefore, based on the most recent submitted information, the server knows the current stopping position and origination position is different over the certain traveling time and a newly planned route is required which corresponding to

determine the position of the personal computer device before and after waiting preselected time period is different (or substantially the same as claimed).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Assistance Examiner

BQ

Baoquoc N. To

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